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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/247,054 | 02/09/99 | ANTONIOU | CACO-0045 |

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EXAMINER

BAKER, A

ART UNIT

PAPER NUMBER

1632

26

DATE MAILED: 10/04/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/247,054

Applicant(s)

Antoniou et al.

Examiner

Anne-Marie Baker, Ph.D.

Group Art Unit

1632

☒ Responsive to communication(s) filed on Sep 15, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-21, 23, and 25 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 4 and 15 is/are allowed.

☒ Claim(s) 1-3, 5-14, 16-21, 23, and 25 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claims 1-21, 23, and 25 are pending in the instant application.

The following rejections are reiterated and constitute the complete set of rejections being applied to the instant application. Rejections and objections not reiterated from the previous office action are hereby withdrawn.

Continued Prosecution Application

The request filed on September 15, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/247,054 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 14, and 16 stand rejected under 35 U.S.C. 112, second paragraph, for reasons of record advanced on page 2 of the previous Office Action mailed 3/15/00 (Paper No. 9), as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-14, and 16-21 stand rejected under 35 U.S.C. 103(a), for reasons of record advanced on pages 9-11 of the Office Action mailed 7/9/99 (Paper No. 5) and on pages 3-5 of the Office Action mailed 3/15/00 (Paper No. 9), as being unpatentable over Yates et al. (1985), Sadelain et al. (1995), Greaves et al. (1989), Grosveld et al. (1987), Ustav et al. (1991), and Svensson et al. (1996).

Claim 23 stands rejected under 35 U.S.C. 103(a), for reasons of record advanced on pages 11-12 of Paper No. 5 and on pages 5-6 of Paper No. 9, as being unpatentable over Yates et al. (1985), Sadelain et al. (1995), Greaves et al. (1989), Grosveld et al. (1987), Ustav et al. (1991), and Svensson et al. (1996) as applied to claims 1-3, 5-14, and 16-21 above, and further in view of Chapman et al. (1991).

Claim 25 stands rejected under 35 U.S.C. 103(a), for reasons of record advanced on pages 11-12 of Paper No. 5 and on pages 6-7 of Paper No. 9, as being unpatentable over Yates et al. (1985), Sadelain et al. (1995), Greaves et al. (1989), Grosveld et al. (1987), Ustav et al. (1991), and Svensson et al. (1996) as applied to claims 1-3, 5-14, and 16-21 above, and further in view of Chapman et al. (1991).

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Conclusion

Claims 4 and 15 are allowable.

All claims are drawn to the same invention claimed in the parent application prior to the filing of this Continued Prosecution Application under 37 CFR 1.53(d) and could have been finally rejected on the grounds and art of record in the next Office action. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing under 37 CFR 1.53(d). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne-Marie Baker whose telephone number is (703) 306-9155. The examiner can normally be reached Monday through Thursday and alternate Fridays from 9:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karen Hauda, can be reached on (703) 305-6608. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-8724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Anne-Marie Baker, Ph.D.


KAREN M. HAUDA
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